



January 15, 2016

Mindy Anthony
Department of Natural Resources and Environmental Control
Solid & Hazardous Waste Management Branch
89 Kings Highway
Dover, DE 19901

RE: Beneficial Use Determination Application
Allan Myers DE, Inc. – Wilmington

Dear Ms. Anthony:

Please find enclosed in triplicate a Beneficial Use Determination Application for Allan Myers DE, Inc.'s (Myers) Wilmington Asphalt plant located at 1230 Railcar Avenue, Dover, DE 19901. I have also enclosed in triplicate supporting documentation requested as part of the application and the Recycling Permit Application form. This application is for the beneficial use of manufacturer's waste asphalt shingles in the production of hot mix asphalt.

If you have any questions or need additional information, please do not hesitate to call me at (610) 222-3182.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Schnackenberg', written over the printed name.

David Schnackenberg



Delaware Department of Natural Resources and Environmental Control
Solid and Hazardous Waste Management Section

RECYCLING PERMIT APPLICATION

INSTRUCTION: The applicant may claim that some of the information presented in this Application is confidential. An applicant wishing to make such a claim should write, preferably in red ink, "Claimed Confidential Information" at each point in the response where such confidentiality is claimed. The applicant must provide an explanation of why the release of such information would constitute an invasion of personal privacy or would seriously affect the applicant's business or competitive situation. The confidentiality determination will be subject to the FOIA Regulation, Section 6.

BRIEF DESCRIPTION OF RECYCLING ACTIVITY OR BENEFICIAL USE PROCESS

Use shredded shingles in the manufacturing process
of making hot mix asphalt.

FACILITY INFORMATION

Facility Name: Allan Myers DE, Inc. - Wilmington
Address: 1230 Railcar Avenue
City: Wilmington County: New Castle State: DE
Zip Code: 19802 Phone: 302-655-1510 Fax:
Total Site Area (Acres): 8 Latitude: 39.7393 Longitude: -75.5232
Tax Parcel Number (s): 26-037.00-005
Expected Service Area: Within approximately 25-30 miles

BUSINESS OWNER INFORMATION

Owner's Name: Allan Myers DE, Inc.
Contact Person: David Schnackenberg Title: Environmental Manager
Address: 638 Lancaster Avenue
City: Malvern State: PA Zip Code: 19355
Phone: 610-222-3182 Fax: Email: david.schnackenberg@allanmyers.com

FACILITY OPERATOR INFORMATION

Operator's Name: Allan Myers DE, Inc.
Contact Person: Charles Poore Title: Field Manager
Address: 1230 Railcar Avenue
City: Wilmington State: DE Zip Code: 19802
Phone: 302-655-1510 Fax: Email: charlie.poore@allanmyers.com

OPERATING HOURS

Daily Operating Hours: Up to 24 Daily Business Hours (Open to Public): Up to 24
Days of Operation: Can operate every day Number of Operating Days Per Year: Less than 300



Delaware Department of Natural Resources and Environmental Control
Solid and Hazardous Waste Management Section

RECYCLING PERMIT APPLICATION

ESTIMATED QUANTITIES OF RECYCLABLE MATERIAL AND PRODUCT:

Maximum Daily Tonnage of Recyclable Material to be Accepted: 100 Daily ☒ Weekly ☐

Maximum Tonnage of Recyclable Material to be Stored (at any given time): 1,000

Maximum Tonnage of Product to be Stored (at any given time): 0

NOTE: Maximum daily and weekly tonnages must consider operating hours and days specified on next page.

I certify under penalty of law, that I have personally examined and am familiar with the information submitted in the Application and all supporting documentation and that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature of applicant: David Schnackenberg

Date: 1-15-2016

Printed Name: David Schnackenberg

Phone: 610-222-3182

Title: Environmental Manager

Email: david.schnackenberg@

Company: Allan Myers

allanmyers.com

Address: 638 Lancaster Avenue

City: Malvern

State: PA

Zip Code: 19355

ATTACHMENT 1

BENEFICIAL USE DETERMINATION (BUD) APPLICATION

Dated October 23, 2015



October 23, 2015

Mindy Anthony
Department of Natural Resources and Environmental Control
Solid & Hazardous Waste Management Branch
89 Kings Highway
Dover, DE 19901

RE: Beneficial Use Determination Application
Allan Myers DE, Inc. – Wilmington

Dear Ms. Anthony:

Please find enclosed a Beneficial Use Determination Application for Allan Myers DE, Inc.'s (Myers) Wilmington Asphalt plant located at 1230 Railcar Avenue, Dover, DE 19901. This application is for the beneficial use of manufacturer's waste asphalt shingles in the production of hot mix asphalt. The following provides a response to the Checklist For Persons Applying For A BUD:

1. Beneficial Use Determination (BUD) Application.

The BUD checklist and application is in Attachment 1.

2. Proof of ownership of the property, or a copy of lease agreement.

Proof of ownership is in Attachment 2.

3. Written verification from the local zoning authority that the proposed activity is allowable at the proposed location.

N/A – This location consists of an existing hot mix asphalt plant. Storing up to 1,000 tons of manufacturer's waste asphalt shingles is consistent with our storage of materials used in the process of producing hot mix asphalt.

4. A Plan of Operation including a complete description of the equipment, process, and operating procedures, as well as the maximum quantity of feedstocks and product to be stockpiled.

Manufacturer's waste asphalt shingles will be delivered to the site by trucks equipped with tarps. Myers currently anticipates shingles to be shredded prior to delivery to the site. In the future, it may be possible for Myers to obtain shingles that have not been shredded prior to delivery to the site. If this occurs, trucks delivering the unshredded material will place the shingles in a staging area where they will remain until shredded. Shingles will be shredded periodically with a mobile shredding device on an as needed basis. Once shredded, the shingles will be used in the

manufacture of hot mix asphalt (HMA) at a concentration not to exceed 7% of the product mix. Only shredded shingles will be used for the manufacture of HMA. The total amount of shingles, both shredded and unshredded, to be stored at the site will not exceed 1,000 tons.

No additional equipment is required for Myers to incorporate manufacturer's waste asphalt shingles into our hot mix asphalt product. Manufacturer's waste asphalt shingles will be mixed with recycled asphalt pavement (RAP) and asphalt cement in the mixing chamber of the drum, not the drying chamber.

Myers maintains three (3) silos, for the storage of hot mix asphalt. Frequently we only manufacture the amount of hot mix asphalt that can be used in a day. Hot mix asphalt is not typically stored overnight although the silos are designed for overnight storage and are sometimes used for overnight storage of hot mix asphalt.

5. Evidence that the product use will not adversely affect human health and the environment. This may require analyses and other tests.

N/A – The waste asphalt shingles are the same as asphalt shingles used in a variety of roofing applications.

6. Contracts or letters of intent from buyers showing there is a true market for the product (see BUD policy G.5).

N/A – waste asphalt shingles are made of asphalt cement, one of the components of hot mix asphalt.

7. A Conceptual Closure Plan [pursuant to Section 4.4.1 of the DRGSW].

When operations cease at the Wilmington Asphalt plant, all solid waste such as office, lunchroom, and break room waste will be disposed of in an off-site landfill.

Manufacturer's waste asphalt shingles will be transported by truck off-site to Allan Myers MD, Inc., located in North East Maryland for incorporation into hot mix asphalt. The estimated cost to load and transport 1,000 tons of manufacturer's waste asphalt shingles from Wilmington to North East is \$17,000. A letter from Allan Myers MD, Inc. indicating their willingness to accept manufacturer's waste asphalt shingles is included in Attachment 3.

The property is zoned for industrial use. Postclosure use is expected to be consistent with zoning and surrounding use.

8. Evidence of financial Assurance demonstrating financial responsibility for closure, as described in DRGSW Sec. 4.1.11.2

Evidence of financial Assurance as described in DRGSW Sec. 4.1.11.2 will be supplied in a separate mailing.

9. Proof that all applicable permits, licenses, and approvals have been obtained or applied for [pursuant to Section 4.4.1 of the DRGSW].




A copy of Edgemoor Materials, Inc.'s air permit has been included in Attachment 4 and a copy of the NPDES stormwater discharge permit has been included in Attachment 5. Please note that Myers purchased the Edgemoor Materials Wilmington plant September 4, 2015 and the proof of ownership may be found in Attachment 2. A request to change the permits to Myers was submitted to the Department September 4, 2015.

10. Background statement [pursuant to 7 Del. C. Chapter 79]

The background statement is included in Attachment 6.

If you have any questions or need additional information, please do not hesitate to call me at (610) 222-3182.

Sincerely,


David Schnackenberg

ATTACHMENT 1

BENEFICIAL USE DETERMINATION (BUD) APPLICATION



CHECKLIST FOR PERSONS APPLYING FOR A BUD

The attached application will not be processed unless all of the following information is provided by the applicant. The following checklist is based upon the specific requirements contained in Delaware's *Regulations Governing Solid Waste* (DRGSW) and the BUD Policy. Please complete this checklist by placing a check mark before each included item and submit along with the completed application to:

Department of Natural Resources and Environmental Control
Solid & Hazardous Waste Management Section
89 Kings Highway
Dover, DE 19901

- X 1. Beneficial Use Determination (BUD) Application
- X 2. Proof of ownership of the property, or copy of lease agreement
- N/A 3. Written verification from the local zoning authority that the proposed activity is allowable at the proposed location
- X 4. A Plan of Operation including a complete description of the equipment, process, and operating procedures, as well as the maximum quantity of feedstocks and product to be stockpiled
- N/A 5. Evidence that the product use will not adversely affect human health and the environment This may require analyses and other tests.
- N/A 6. Contracts or letters of intent from buyers showing there is a true market for the product
- X 7. A Conceptual Closure Plan [pursuant to Section 4.4.1 of the DRGSW]
- X 8. Evidence of financial assurance demonstrating financial responsibility for closure, as described in DRGSW Sec. 4.1.11.2
- X 9. Proof that all applicable permits, licenses, and approvals have been obtained or applied for [pursuant to Section 4.4.1 of the DRGSW]
- X 10. Background statement [pursuant to 7 Del. C. Chapter 79]



Delaware Department of Natural Resources and Environmental Control
Solid & Hazardous Waste Management Section

Beneficial Use Determination Application

INSTRUCTION: The applicant may claim that some of the information presented in this Application is confidential. An applicant wishing to make such a claim should write, preferably in red ink, "claimed confidential information" at each point in the response where such confidentiality is claimed, and provide an explanation of why the release of such information would constitute an invasion of personal privacy or would seriously affect the applicant's business or competitive situation. The confidentiality determination will be subject to the **FOIA Regulation, Section 6.**

1. Facility Information:

Facility Name: Allan Myers DE, Inc. - Wilmington
Street: 1230 Railcar Avenue
City: Wilmington County: New Castle State: DE
Zip: 19802 Phone(s): 302-655-1510 Fax: _____
Total Site Area (Acres): 8 Latitude: 39.7393 Longitude: -75.5232

2. Owner Information:

Owner's Name: Allan Myers DE, Inc.
Contact Person: David Schnackenberg Title: Environmental Manager
Street Address: 638 Lancaster Avenue
City: Malvern State: PA Zip: 19355
Phone: 610-222-3182 Fax: _____ Email: david.schnackenberg@allanmyers.com

3. Operator Information:

Operator's Name: Allan Myers DE, Inc.
Contact Person: Charles Poore Title: Field Manager
Street Address: 1230 Railcar Avenue
City: Wilmington State: DE Zip: 19802
Phone: 302-655-1510 Fax: _____ Email: charlie.poore@allanmyers.com

4. Service Area (political jurisdictions and unincorporated area to be served by the facility):

5. Estimated Quantities of Recyclable Material & Product Expected to be Handled and Stored at the Facility:

A. Maximum daily tonnage of Recyclable Material expected: 100 tons

B. Maximum tonnage of Recyclable Material to be stored: 1,000 tons

C. Maximum tonnage of Product to be stored 0 tons

Note: Maximum daily and weekly tonnages must consider operating hours and days specified in Section 6 of this form.

6. Operating Hours:

A. Daily Operating Hours

Can vary by season. In winter, we do not operate, In the spring, summer, and fall we may operate up to 24 hours a day.

B. Daily Business Hours (i.e. hours open to the public): Same as Daily Operating Hours

C. Days of Operation: We can operate every day of the week, we do not typically operate on Sundays.

D. Operating Days Per Year: We operate less than 300 days per year.

I certify, under penalty of law, that I have personally examined and am familiar with the information submitted in the Application and all attachments and that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Date

10-23-2015

Signature of Applicant or Corporate Agent

David Schnackenberg

Name:

David Schnackenberg

Phone:

610-222-3182

Title:

Environmental Manager

Email:

david.schnackenberg@allanmyers.com

Company:

Allan Myers DE, Inc.

Address:

638 Lancaster Avenue
Malvern, PA 19355

ATTACHMENT 2

PROOF OF OWNERSHIP

BILL OF SALE
Delaware Plant Assets and Related Stone and Raw Materials

As contemplated by that certain Fixed Asset and Equipment Purchase Agreement, dated as of February 13, 2015, as amended (the "Purchase Agreement"), to which Edgemoor Materials, Inc., a Delaware corporation ("Seller"), and Leonard F. Iacono, Sr., an individual residing in Delaware (the "Shareholder"), on the one hand, and Allan Myers DE, Inc., a Delaware corporation ("Buyer"), as designee of Allan Myers, Inc. (formerly known as American Infrastructure, Inc.), on the other hand, are parties, effective as of September 4, 2015 and for good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, the Seller hereby sells, transfers, assigns, conveys, grants and delivers to Buyer, its successors and assigns, free and clear of all Encumbrances, all of the Seller's right, title, and interest in, to and under all of the assets, properties and rights set forth on Exhibit A attached hereto (collectively, the "Transferred Assets"). Capitalized terms used in this Bill of Sale and not otherwise defined herein shall have the meanings ascribed to them in the Purchase Agreement.

The Seller and the Shareholder covenant and agree to take all steps reasonably necessary to establish the record of Buyer's title to the Transferred Assets and, at the reasonable request of Buyer, to execute and deliver further instruments of transfer and assignment and take such other action as Buyer may reasonably request to more effectively transfer and assign to and vest in Buyer each of the Transferred Assets.

Seller hereby constitutes and appoints Buyer the true and lawful agent and attorney in fact of such Seller only with respect to the Transferred Assets, with full power of substitution and resubstitution, in whole or in part, in the name and stead of such Seller by and on behalf and for the benefit of Buyer and its respective successors and assigns, from time to time:

(a) to demand, receive and collect any and all of the Transferred Assets and to give receipts and releases for and with respect to the same, or any part thereof;

(b) to institute and prosecute, in the name of such Seller or otherwise, any and all proceedings at law, in equity or otherwise, that Buyer or its respective successors and assigns may deem proper in order to collect or reduce to possession any of the Transferred Assets, as applicable, and in order to collect or enforce any claim or right of any kind hereby assigned or transferred, or intended so to be; and

(c) to do all things legally permissible, required or reasonably deemed by Buyer to be so required to recover and collect the Transferred Assets and to use the name of such Seller in such manner as Buyer may deem reasonably necessary for the collection and recovery of same.

The Seller and the Shareholder hereby declare that the foregoing powers are coupled with an interest and are and shall be irrevocable by the Seller.

The terms of the Purchase Agreement, including the representations, warranties, covenants, agreements and indemnities of the Seller and the Shareholder relating to the Transferred Assets, are incorporated herein by reference. The Seller and the Shareholder acknowledge and agree that the representations, warranties, covenants, agreements and indemnities contained in the Purchase Agreement shall not be superseded hereby but shall remain in full force and effect to the full extent provided therein. In the event of any conflict or inconsistency between the terms of the Purchase Agreement and the terms

hereof, the terms of the Purchase Agreement shall govern. This Bill of Sale may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same. A signed copy of this Bill of Sale delivered by facsimile, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Bill of Sale.

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the Seller and the Shareholder have caused this Bill of Sale to be duly executed and delivered this 4th day of September, 2015.

SELLERS:

EDGEMOOR MATERIALS, INC.

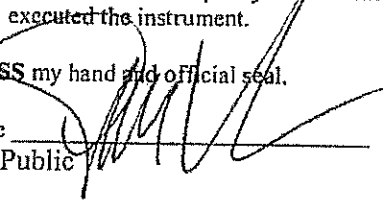
By: 

Name: Leonard F. Iacono, Sr.
Title: President

STATE OF Delaware
COUNTY OF New Castle)

On this date September 4, 2015 before me, Leonard F. Iacono, Sr. personally appeared and known to me, subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity and that his signature on the instrument or the entity upon behalf of which he acted, executed the instrument.

WITNESS my hand and official seal.

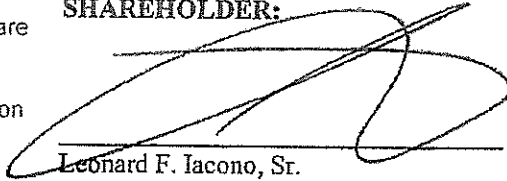
Signature 

Notary Public

Exp. _____

DOUGLAS M. HERSHMAN
Attorney at Law - State of Delaware
Notarial Officer Pursuant to
29 Del.C. § 4323(a)(3)
My Commission Has No Expiration

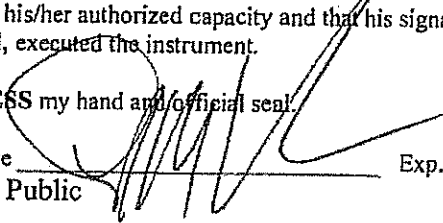
SHAREHOLDER:


Leonard F. Iacono, Sr.

STATE OF Delaware
COUNTY OF New Castle)

On this date September 4, 2015 before me, Leonard F. Iacono, Sr. personally appeared and known to me, subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity and that his signature on the instrument or the entity upon behalf of which he acted, executed the instrument.

WITNESS my hand and official seal.

Signature 

Notary Public

Exp. _____

DOUGLAS M. HERSHMAN
Attorney at Law - State of Delaware
Notarial Officer Pursuant to
29 Del.C. § 4323(a)(3)
My Commission Has No Expiration

Signature Page to Bill of Sale (Delaware Plant Assets and Related Stone and Raw Materials)

Exhibit A

The following are the Transferred Assets:

The Delaware Plant Assets, including without limitation:

- 300 TPH Genco (2012) and CMI (1996) drum mix plant located in Wilmington, DE\
- Five 1986 CMI 10' X 14' Cold Feed Bins – Rebuilt 2011
- 1986 CMI/Rebuilt Belt Feeders – 30" With 5HP AC Frequency Drives
- 30" Virgin Access Conveyor
- 2012 USM-2512 Deister Scalping Screen, 5 X 12 DD With Deck Selector
- 30" X 80' Virgin Scale conveyor
- 2012 Genco Ultra Two Burnder Total Air Oil/Gas
- 2012 USM-2512 Deister Scalping Screen, 5 X 12 DD with Deck Selector
- 2012 Gencor UD 300 Ultradrum, 8'-7" DIA X 44'
- 2012 Gencor Recycle Center Entry and Recycle Chute
- Gencor 74,000 CFM Baghouse – Reverse Air Type – CFS-151-2012
- Twin City Exhaust Fan Size 490, 200 HP – 2012
- Free Flow Dust Silo, 500 BBL – 1986
- Ductwork, Knockout Box-2012
- 50 HP Air Compressor
- 2012 Gencor Dual Rap Bins with Feeders and Bin extensions, Walkway
- 24" X 80" Recycle Access Conveyor
- Deister 5 X 10 Double Decker Screen with Deck Selector
- 25" Stacking Conveyor
- 24" Recycle Belt Scale Conveyor
- CMI 300 TPH Drag and Three 200 Ton Silos – 1986

- CMI Top of Silo Transfer Conveyors – 1986
- Three 200 Ton SMI Silos – 1986
- Gencor 10,000 Gal Tac Tank
- Two Gencor/Sellers 20,000 Gal AC Tanks – 1985
- Gencor Hyfgo Heater, S/N 4478 – App 2004
- Stansteel Warm Mix System – 2012
- 60 HP Blower – 2012, Plattco DDV – 2004
- 14” Dust Screw Conveyor – 2012
- 2011 Systems Control Center, Split Leel, 12’ X 30’
- 2011 Systems Inc Drum Controls, Libra Gen 3 Silo Loadout
- System controls, Gencor Burner, Start/Stop Station
- 20000 Gallon Horizontal Hot Oil Heated Asphalt Tank, Saddle Mount
- mix designs
- and all other equipment, machinery, tools, offices, shops, labs, buildings, improvements, furniture and fixtures, spare parts and other personal property located at the plants which are used in connection with the operation of the hot mix asphalt plant

All Permits related to the Delaware Plant Assets

Stone and Raw Materials Inventories

ATTACHMENT 3

ALLAN MYERS MD, INC. LETTER



ATTACHMENT 4

AIR PERMIT

November 19, 2012

Permit: APC-1987/0060-OPERATION (Amendment 7)(NSPS)(SM)

Edgemoor Materials, Inc.
Hot Mix Asphalt Plant
Edgemoor Materials, Inc. - Wilmington
1230 Railcar Avenue
Wilmington, DE 19802

ATTENTION: Sam Powers
Operations Manager

Dear Mr. Powers:

Pursuant to 7 **DE Admin. Code** 1102, Section 2, approval of the Department of Natural Resources and Environmental Control (the Department) is hereby granted for the operation of a 300 tons per hour counter-flow drum mixer (Gencor 300 Ultra-drum) with 100 MMBTU/hour heat input Gencor Ultra II™-100 burner, burning natural gas and equipped with Gencor CFS-151 Knock-out Box, and Gencor CFS-151 reverse-air baghouse; two recycled asphalt paving (RAP) bins; five aggregate bins; three vertical 200 ton hot mix asphalt (HMA) storage silos; two 20,000 gallon asphalt cement storage tanks; one 10,000 gal tack coat tank for an HMA plant, located at the Edgemoor Materials, Inc. facility at 1230 Railcar Avenue, in Wilmington, Delaware, in accordance with the application submitted on Form Nos. AQM-1 and AQM-2, AQM-3.1, AQM 4.5, AQM 4.6, AQM-5, and AQM-6 dated June 15, 2009 signed by Sam Powers, Operations Manager and letters dated June 15, 2009, signed by Sam Powers, Operations Manager; letter dated September 14, 2009, signed by Kathryn O'C. Guinkel, President of Wildwood Environmental Engineering Consultants, Inc., and revised AQM-5 forms that reflect the increased limit on annual tons of hot mix asphalt from the original request of 400,000 tons to 500,000 tons; e-mail dated September 23, 2009 with the description of all the equipment at this hot mix asphalt plant; email response from Sam Powers dated May 9, 2012, regarding confirmation of technical information; and Edgemoor Materials, Inc. Performance Test report, Revision 1, received October 23, 2012 for testing conducted on July 24-25, 2012 for proposed operations with 40% RAP by weight of aggregate charge.

This permit amendment is issued on the original application for a 350 tons per hour (TPH) Caterpillar Venturi Drum Asphalt Plant (Model SVM-2000), using No. 2 fuel oil or natural gas fire for heat transfer with a Caterpillar Auto-Pulse II baghouse (Model Ap-720), submitted on Form No. AR-4, dated November 13, 1986, signed by Joseph Corrado, Vice-President; Amendment No. 1, made as a result of the facility moving to a new location at 12th Street, and a name change to Delaware Aggregate, with a letter dated June 28, 1991, signed by Joseph Corrado; Amendment No. 2 was the name change to Edgemoor Materials in a letter dated May 21, 1992, signed by Leonardo Iacono, President; Amendment No. 3 of this Permit was issued in accordance with Forms Nos. AQM-2 and AQM-4 dated December 16, 1996, the revised Form Nos. AQM-2 and AQM-4 dated March 11, 1997 and the certification letter dated January 27, 1997, all signed by Ronald A. McGuirk, General Manager. The purpose of this certification letter from Edgemoor Materials, Inc.

was to limit the potential to emit and, therefore, establish an exemption to the permitting requirements under Title V of the Clean Air Act and Regulation No. 30 of the Delaware "Regulations Governing the Control of Air Pollution"; Amendment No. 4 of this Permit issued on July 7, 2000, to limit NO_x and VOC emissions by taking voluntary restrictions on fuel usage and the quantity of asphalt produced and make the permit federally enforceable; Amendment No. 5 of this Permit issued on October 10, 2006 revising the permit's emission limits based on updated AP-42 factors from December 2000.

This permit is issued subject to the following conditions all of which are federally enforceable except Condition 2.3:

1. General Provisions

- 1.1 Edgemoor Materials, Inc. agrees that all limits, restrictions and requirements in this permit are necessary to limit their potential to emit below major source thresholds. Violation of any limit, restriction or requirement contained herein may be grounds for suspension or revocation of the permit or other enforcement action for noncompliance with the permit, the failure to apply for a Title V permit, or the failure to obtain a Title V permit.
- 1.2 Representatives of the Department may, at any reasonable time, inspect this facility.
- 1.3 This permit may not be transferred to another location or to another piece of equipment or process.
- 1.4 This permit may not be transferred to another person, owner, or operator unless the transfer has been approved in advance by the Department. Approval (or disapproval) of the permit transfer will be provided by the Department in writing. A request for a permit transfer shall be received by the Department at least thirty (30) days before the date of the requested permit transfer. This request shall include:
 - 1.4.1 Signed letters from each person stating the permit transfer is agreeable to each person; and
 - 1.4.2 An Applicant Background Information Questionnaire pursuant to 7 Del C. Chapter 79 if the person receiving the permit has not been issued any permits by the Department in the previous five (5) years.
- 1.5 The owner or operator shall not initiate construction, install, or alter any equipment or facility or air contaminant control device which will emit or prevent the emission of an air contaminant prior to submitting an application to the Department pursuant to 7 **DE Admin. Code** 1102, and, when applicable 7 **DE Admin. Code** 1125, and receiving approval of such application from the Department; except as exempted in 7 **DE Admin. Code** 1102 Section 2.2.

2. Emission Limitations

- 2.1 Air contaminant emission levels shall not exceed those specified in 7 **DE Admin. Code** 1100 and the following:

2.1.1 Total Hydrocarbon (THC) Emissions

THC emissions shall not exceed 0.0440 lb/ton HMA, and 11.00 tons per 12 month rolling period.

2.1.2 Nitrogen Oxide (NO_x) Emissions

NO_x emissions shall not exceed 0.0260 lb/ton HMA, and 6.50 tons per 12 month rolling period.

2.1.3 Sulfur Oxide (SO_x) Emissions

SO_x emissions shall not exceed 0.0034 lb/ton HMA, and 0.85 tons per 12 month rolling period.

2.1.4 Carbon Monoxide (CO) Emissions

CO emissions shall not exceed 0.1300 lb/ton HMA, and 32.50 tons per 12 month rolling period.

2.1.5 Particulate Matter (PM) Emissions

2.1.5.1 PM emissions shall not exceed 0.033 lb/ton HMA, and 8.25 tons per 12 month rolling period.

2.1.5.2 The Company shall not discharge into the atmosphere any gas containing particulate matter in excess of 0.04 grains per dry standard cubic foot of air.

2.1.5.3 Particulate matter from all combustion equipment shall not be in excess of 0.3 pound per million BTU heat input, maximum 2-hour average, from any fuel burning equipment.

2.2 Visible Emissions:

2.2.1 The Company shall not discharge or cause the discharge into the atmosphere from the heating, drying, and mixing operations any gases which exhibit twenty (20%) percent opacity, or greater, from the baghouse stack at all times, including startup and shutdown.

2.2.2 For all other sources, no person shall cause or allow the emission of visible air contaminants and/or smoke from a stationary or mobile source, the shade or appearance of which is greater than twenty (20%) percent opacity for an aggregate of more than three (3) minutes in any one (1) hour or more than fifteen (15) minutes in any twenty-four (24) hour period.

2.3 Odors from this source shall not be detectable beyond the plant property line in sufficient quantities such as to cause a condition of air pollution.

3. Operational Limitations

3.1 The owner or operator shall comply with the following operational limits:

3.1.1 The maximum total production of hot mix asphalt (HMA) shall not exceed 500,000 tons in any rolling 12 month period.

- 3.1.2 The maximum production rate for the hot mix asphalt plant shall not exceed 300 tons per hour (TPH).
 - 3.1.3 Only natural gas shall be combusted in the drum mixer.
 - 3.1.4 Maximum natural gas usage for the drum mixer shall not exceed 167 MMCF in any 12 month period.
- 3.2 The drum mixer shall be vented to the baghouse as the control device. The baghouse shall be properly maintained according to manufacturer's specifications.
- 3.3 The baghouse shall be operating properly whenever the rotary drum dryer is in operation.
- 3.4 The baghouse shall be operated with a functional pressure drop gauge during all periods of operation and at a pressure drop range of 1.5 to 5 inches of water across the baghouse inlet and outlet ductwork.
- 3.5 The filter bags in the baghouse shall be inspected annually. Bags found to have holes must be replaced and a record must be maintained of all the filter bag replacements, including the positions of failed bags.
- 3.6 The Company shall not use Recycled Asphalt Paving (RAP) in quantities greater than forty (40%) percent by weight of aggregate charge.
- 3.7 The Company shall conduct an annual burner tune-up within three weeks of each annual plant start-up. The tune-up shall be performed by a qualified technician.
- 3.8 The storage tanks shall store the following:
 - 3.8.1 The liquid asphalt tanks shall only store liquid asphalt,
 - 3.8.2 The topcoat tank shall only store topcoat,
- 3.9 If, in the opinion of the Department, the operation of this facility causes a condition of air pollution, the Department may require additional emission control measures.
- 3.10 Fugitive emissions shall not be permitted in such quantities as to cause or create a condition of air pollution from material-handling operations, the stockpiling of materials or vehicular traffic entering or leaving the facility. Dust control measures shall be employed on all non-paved access roads and driveways to the asphalt production facility to minimize fugitive emissions from vehicular traffic entering or leaving. Dust control measures shall include methods such as water tanker/sprinkler trucks, water sprinkler systems, dust retardant sprays, etc.
- 3.11 At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

- 3.12 All structural and mechanical components of the equipment or process covered by this Permit shall be maintained in proper operating condition.

4. Testing and Monitoring Requirements

- 4.1 No later than July 25, 2017, and once every successive five years, the Company must conduct a performance test demonstrating compliance with the THC, NO_x, CO, particulate matter and opacity emission limitations. The performance testing must be conducted while operating at the maximum production rate and maximum proposed RAP percentage up to 40% to demonstrate compliance with the emission limits of THC (Condition 2.1.1), NO_x (Condition 2.1.2), CO (Condition 2.1.4), particulate matter Conditions 2.1.5.1 and 2.1.5.2), and opacity (Conditions 2.2.1 and 2.2.2). The owner or operator shall furnish the Department a written report of the results of such performance tests according to the following general provisions:

- 4.1.1 One (1) original and two (2) copies of the test protocol shall be submitted a minimum of forty-five (45) days in advance of the tentative test date to the address in Condition 6.3. The tests shall be conducted according to the State of Delaware and Federal requirements.

- 4.1.2 The test protocol shall be approved by the Department prior to initiating any testing. Upon approval of the test protocol, the Department will notify the owner or operator and the Company shall schedule a test date with the Air Surveillance Engineer. The Department must observe the test for the results to be considered for acceptance.

- 4.1.3 The final results of the testing shall be submitted to the Department within sixty (60) days of the test completion. One (1) original and two (2) copies of the test report shall be submitted to the addresses below:

Original and One (1) Copy to:
Engineering & Compliance Branch
Attn: Permitting Engineer
Blue Hen Corporate Center
655 S. Bay Road, Suite 5 N
Dover, DE 19901

One (1) Copy to:
Engineering & Compliance Branch
Attn: Surveillance Engineer
715 Grantham Lane
New Castle, DE 19720

- 4.1.4 The final report of the results must meet the following requirements to be considered valid:

- 4.1.4.1 The full report shall include the emissions test report (including raw data from the test) as well as a summary of the results and statement of compliance or non-compliance with permit conditions;

- 4.1.4.2 Summary of Results and Statement of Compliance or Non-Compliance
The owner or operator shall supplement the report from the emissions testing firm with a summary of results that includes the following information:

- 4.1.4.2.1 A statement that the owner or operator has reviewed the report from the emissions testing firm and agrees with the findings.
 - 4.1.4.2.2 Permit number and conditions which are the basis for the compliance evaluation.
 - 4.1.4.2.3 Summary of results with respect to each permit condition.
 - 4.1.4.2.4 Statement of compliance or non-compliance with each permit condition.
- 4.1.5 The results must demonstrate to the Department's satisfaction that the emission unit is operating in compliance with the applicable regulations and conditions of this permit; if the final report of the test results shows non-compliance the owner or operator shall propose corrective action(s). Failure to demonstrate compliance through the test may result in enforcement action.
- 4.2 Included with the requirements of the performance test in Condition 4.1, the Company shall conduct, except as provided in 40CFR60.11(e)(3), opacity observations while operating to establish compliance with the visible emission standard by conducting observations in accordance with 40CFR60 Appendix A Reference Method 9, shall record the opacity of emissions, and shall report to the Department the opacity results (data reduced and not reduced) with proof of current visible observer emission certification.
- 4.3 Any increase in RAP above the limit in your permit or a change to use materials not listed in your permit or permit application, such as asphalt shingles, requires a permit amendment and will also require performance testing.
- 4.4 The Company shall, within three weeks of each annual plant startup, perform a burner tune-up utilizing portable emission monitoring equipment to assist in obtaining optimum burner performance with respect to air emissions according to the Department Policy entitled Compliance Determination Requirements for Hot Mix Asphalt Plants Using Recycled Asphalt Pavement signed June 5, 1997.
- 4.5 When the plant is in operation, the Company shall conduct daily inspections for the presence or absence of visible emissions per Conditions 2.2 and 3.10, of odors per Condition 2.3 and for good air pollution control practices per Condition 3.11. Corrective action shall be taken and inspections repeated until the deviation is resolved.
- 4.6 The Company shall conduct annual opacity observations to establish compliance with the visible emissions standard of Condition 2.2 by conducting observations according to **7 DE Admin. Code** 1120, Section 1.5.3 (i.e., modified 40 CFR Part 60 Appendix A Reference Method 9), shall record the opacity of emissions, and shall maintain records of these tests with proof of current visible emissions observer certification.
- 4.7 The Company shall conduct a modified Method 9 opacity test for all point sources associated with the asphalt plant once each year.

- 4.8 The Company shall monitor pressure drop readings continuously as measured across the inlet and outlet ductwork of the baghouse whenever the baghouse is in operation.

5. Record Keeping Requirements

- 5.1 The owner or operator shall maintain all records necessary for determining compliance with this permit in a readily accessible location for five (5) years and shall make these records available to the Department upon written or verbal request.
- 5.2 The following information shall be recorded, initialed and maintained in a logbook:
- 5.2.1 The percent of RAP by weight used in each production mix along with the total tons of RAP materials consumed into the Hot Mix Asphalt paving material.
 - 5.2.2 The total amount of Hot Mix Asphalt (HMA) produced in tons on an hourly, a daily, a monthly, and a rolling 12 month basis.
 - 5.2.3 Tons of aggregate materials consumed into the Hot Mix Asphalt Paving material.
 - 5.2.4 Tons of liquid asphalt cement consumed into Hot Mix Asphalt Paving materials.
 - 5.2.5 Daily pressure drop readings as measured across the inlet and outlet ductwork of the baghouse whenever the baghouse is in operation.
 - 5.2.6 Dates and descriptions of inspections and maintenance performed on the baghouse, including the number and position of failed bags replaced during the annual baghouse inspection.
 - 5.2.7 Each year, the annual plant start-up date and the date of performance of the annual burner tune-up. Documentation is to show that that the tune-up was conducted in accordance with Condition 3.7.
 - 5.2.8 The type of material of each delivery into the liquid asphalt tanks, and tack coat tank.
 - 5.2.9 The occurrence and duration of any startup, shutdown, or malfunction in the operation of the hot mix asphalt plant.
 - 5.2.10 The occurrence and duration of any malfunction of the baghouse.
 - 5.2.11 Quantity of natural gas consumed monthly and on a rolling 12 month basis.
 - 5.2.12 Maintain a daily log of compliance inspection of the plant pursuant to Condition 4.5. The log shall include results of daily inspections and the occurrence, duration and corrective actions taken if any deviations from the requirements occur.
 - 5.2.13 Document the corrective actions taken, if any, as a result of any startup, shut down or malfunction in the operation of the plant.

5.2.14 The Company shall maintain records of the annual visible emissions observation required by Conditions 4.6 and 4.7 along with proof of current visible emission observer certification.

5.3 The following information shall be maintained in a file:

5.3.1 An as-built piping drawing showing the fuel supply line to the dryer burner from its fuel source.

5.3.2 The manufacturer's recommended inspection and maintenance schedule for the baghouse.

5.3.3 Performance testing measurements, stack-testing measurements conducted for compliance demonstration, stack-testing measurements conducted for Department determination purposes, and process and control equipment operating parameters sustained during stack testing.

5.3.4 All opacity observations conducted for compliance demonstration and observer certification.

5.3.5 The dimensions of and an analysis showing the capacity of each of storage tank over its lifetime.

5.3.6 All routine and non-routine maintenance performed on any facility equipment shall be recorded in a logbook, or records of that maintenance shall be kept on file at the facility.

5.4 The rolling 12 month total emissions shall be calculated and recorded each month in a log for each of the following pollutants.

5.4.1 Total Hydrocarbon (THC) emissions

5.4.2 Nitrogen oxide (NOx) emissions

5.4.3 Sulfur oxide (SOx) emissions

5.4.4 Carbon monoxide (CO) emissions

5.4.5 Particulate matter (PM) emissions

6. Reporting Requirements

6.1 Emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department immediately upon discovery by calling the Environmental Emergency Notification and Complaint number, (800) 662-8802.

6.2 In addition to complying with Condition 6.1 of this permit, any reporting required by 7 DE Admin. Code 1203 "Reporting of Discharge of a Pollutant or an Air Contaminant", and any other reporting requirements mandated by the State of Delaware, the owner or operator shall for each occurrence of excess emissions, within thirty (30) calendar days of

becoming aware of such occurrence, supply the Department in writing with the following information:

- 6.2.1 The name and location of the facility;
 - 6.2.2 The subject source(s) that caused the excess emissions;
 - 6.2.3 The time and date of the first observation of the excess emissions;
 - 6.2.4 The cause and expected duration of the excess emissions;
 - 6.2.5 For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and
 - 6.2.6 The proposed corrective actions and schedule to correct the conditions causing the excess emissions.
- 6.3 One (1) original and one (1) copy of all required reports shall be sent to the address below:
- Division of Air Quality
Blue Hen Corporate Center
655 S. Bay Road, Suite 5 N
Dover, DE 19901

7. Administrative Conditions

- 7.1 This permit supersedes **Permit: APC-1987/0060-OPERATION (Amendment 6) (NSPS)(SM)**, dated June 6, 2012.
- 7.2 **Permit: APC-1987/0060-CONSTRUCTION (Amendment 6)** will expire January 5, 2013.
 - 7.2.1 Prior to January 6, 2013, equipment described in the construction permit but not installed as of June 6, 2012 may be installed. The applicant shall, upon completion of this construction or installation, request that the Department grant approval to operate. Upon a satisfactory demonstration by an on-site inspection that the equipment or process complies with all of the terms and conditions of the construction permit, the Department shall issue an Amendment to **Permit: APC-1987/0060-OPERATION (Amendment 6)**.
 - 7.2.2 After January 5, 2013, the owner or operator shall not initiate construction, install or alter any of the equipment described in Condition 7.2.1 which will emit or prevent the emission of an air contaminant prior to submitting an application to the Department pursuant to 7 DE Admin. Code 1102, and, when applicable 7 DE Admin. Code 1125, and receiving approval of such application from the Department; except as exempted in 7 DE Admin. Code 1102 Section 2.2.

Permit: APC-1987/0060-OPERATION (Amendment 7)(NSPS)(SM)
Edgemoor Materials, Inc. - Wilmington
Hot Mix Asphalt Plant
"Counter-flow" drum mixer
November 19, 2012
Page 10

- 7.2.3 In the case of either condition 7.2.1 and 7.2.2, enabling the dryer burner to fire with "on-spec used oil" or No. 2 fuel oil will require additional performance testing per Condition 4.1 of this permit.
- 7.3 This permit shall be made available on the premises.
- 7.4 Failure to comply with the provisions of this permit may be grounds for suspension or revocation.

Sincerely,

Paul E. Foster, P.E.
Program Manager
Engineering & Compliance Branch

PEF:TMH:JPK
F:\EngAndCompliance\JPK\jpk12095 Edgemoor Mat Counter Flow Drum Mix OPER Permit.doc
pc: Dover File

ATTACHMENT 5

NPDES STORMWATER DISCHARGE PERMIT



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

SURFACE WATER
DISCHARGES SECTION

PHONE: (302) 739-9946
FAX: (302) 739-8369

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL STORM WATER PERMIT PROGRAM**

March 22, 2011

Edgemoor Materials of Delaware
Sam Powers
P.O. Box 660, 284 Quarry Rd.
North East, MD 21901

**RE: Authorization to Discharge Under the NPDES General Storm Water Permit Program at
Edgemoor Materials of Delaware**

Dear Mr. Powers:

The Department of Natural Resources and Environmental Control (DNREC) has approved your request for Full Coverage under the NPDES Storm Water General Permit Program. This approval means the site, located at 1230 Railcar Ave., Wilmington, DE 19802 is authorized to discharge storm water to a surface water body of the State, and must comply with Section 9.1 of "The Regulations Governing Storm Water Discharges Associated with Industrial Activities", 7 Del. Admin. C. §7201. Permit coverage began on March 22, 2011 and will expire on March 20, 2016, upon which a new Notice of Intent (NOI) form must be submitted to DNREC for review and approval within 60 days of the expiration date in order to continue permit coverage.

Any changes in facility operations or contact information will require the Storm Water Plan (SWP) to be amended. A signed copy of the SWP must be maintained at the facility and on file at DNREC (digital or hard copy accepted). NOI forms and other resources can be found online at:
<http://www.wr.dnrec.delaware.gov/Information/SWDInfo/Pages/SWDSStormWater.aspx>.

Please maintain this approval on file at the facility at all times. If you have any questions or require further assistance, please contact Steve Mann at (302) 739-9946 or by e-mail at Stephen.Mann@state.de.us.

Sincerely,

Robert G. Underwood
Program Manager
Surface Water Discharges Section

ATTACHMENT 6

ENVIRONMENTAL PERMIT APPLICATION
BACKGROUND STATEMENT



DELAWARE DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL ("DNREC")

ENVIRONMENTAL PERMIT APPLICATION
BACKGROUND STATEMENT

Pursuant to 7 Del. C. Chapter 79

FILING STATUS:

This Background Statement is being filed with DNREC because:

- ☒ 1. It is an initial application for a new permit (or permits) and the applicant company has not been issued any permits by DNREC in the previous five (5) years [See 7 Del. C. § 7902(a) and (b)];
- ☐ 2. It is required on an annual basis because the company has been designated a chronic violator pursuant to 7 Del. C. § 7904 [See 7 Del. C. § 7902(a)(7) and (b)(2)]; or
- ☐ 3. It is required on an annual basis as the applicant company has been found guilty, pled guilty or no contest to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment as defined in 7 Del. C. § 7902(c) [See 7 Del. C. § 7902(a)(7) and (b)(2)].

APPLICANT COMPANY'S NAME OR COMPANY'S NAME FILING STATEMENT	Allen Myers DE, Inc.
DATE OF APPLICATION OR DATE OF STATEMENT	
PERMIT(S) BEING APPLIED FOR OR STATEMENT FOR FILING STATUTES 2 OR 3	<input type="checkbox"/> Permit Type(s) <u>Beneficial Use Determination</u> <input type="checkbox"/> Statement for filing Statutes 2 or 3—If filing under these statutes, attach a statement of the date of designation as Chronic Violator or the date of Conviction/Plea.
OTHER DNREC PERMITS HELD	<input type="checkbox"/> N/A – No other permits held with DNREC <input checked="" type="checkbox"/> List of all DNREC permits currently held with dates of issuance and expiration attached.

ENVIRONMENTAL PERMIT APPLICATION BACKGROUND STATEMENT

Please note: Companies filing statements pursuant to Chapter 79 have the right to identify information to be afforded confidential status pursuant to 7 Del. C. § 7903(b) and the requirements set forth in Section 6, "Requests for Confidentiality" of the DNREC *Freedom of Information Act Regulation*.

PROVIDING ALL OF THE INFORMATION REQUESTED IN THIS FORM SATISFIES THE REQUIREMENTS OF 7 DEL. C. CHAPTER 79 ("ENVIRONMENTAL PERMIT APPLICATION BACKGROUND STATEMENT") UNLESS THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL ("DNREC") OR THE DELAWARE DEPARTMENT OF JUSTICE DETERMINES THAT ADDITIONAL SUBMISSIONS ARE NECESSARY. FAILURE TO PROVIDE THE INFORMATION REQUESTED OR PROVIDING ERRONEOUS INFORMATION IS GROUNDS FOR DENYING OR REVOKING AN ENVIRONMENTAL PERMIT/APPROVAL/LICENSE, AND FOR CIVIL AND/OR CRIMINAL PENALTIES.

A. (Authority – 7 Del. C. § 7902(a)(1&2) & § 7905) Attach a complete list (full names) of all current members of the applicant company's board of directors, all current corporate officers, all persons owning more than 20% of the applicant's stock or other resources, all subsidiary/affiliated companies with type of business performed, street addresses, all parent companies with addresses, all companies with which the applicant's company shares two or more members of the board of directors, and the name(s) of the person(s) serving as the applicant's local chief operating officer(s) with respect to each facility covered by the permit in question or for the statement required for filing Statuses 2 or 3. [Note: For companies that do not have a *facility* located in Delaware, no listing for the local chief operating officer(s) is required].

- ☒ Information attached
- ☐ Information attached, except for local chief operating officer as there is no facility located in the State of Delaware.

B. (Authority - 7 Del. C. § 7905) Please check one of the following selections below, showing type of ownership for the applicant/statement company:

- ☐ Proprietorship List the state, county, book record and page number where the certificate is found (Attach hereto).
- ☐ Partnership List the state, county, book record and page number where the certificate is found (Attach hereto).
- ☒ Corporation (LLCs included) List the city, state, date of incorporation, corporation file number, current corporate standing, registered agent, and address of the registered agent (Attach hereto).
- ☐ Municipality
- ☐ Public Institution/
Government Agency
- ☐ Other _____

ALLAN MYERS DE, INC.

Environmental Permit Application Background Statement

Part A - Applicant Company's Board of Directors

CEO	A. Ross Myers
President	Dale R. Wilson
Executive Vice President	Denis P. Moore
Vice President/GM	Mark S. Carroll
Treasurer	Craig Little
Secretary	Teresa S. Hasson

There are no subsidiary companies of Allan Myers DE, Inc.

Parent company Allan Myers, Inc., 1805 Berks Road, Worcester, PA 19490

The applicant company shares board members with the following companies:

Allan Myers, L.P.

Allan Myers VA, Inc.

Allan Myers MD, Inc.

Allan Myers Materials PA, Inc.

Allan Myers Materials MD, Inc.

Compass Quarries, Inc.

Allan Myers DE, Inc. does not have a chief operating officer per se; however, the role of President is essentially the COO.

List of DNREC Permits with expiration dates:

Dover: APC-2012/0154-OPERATION (Amendment 8)(NSPS)(MNSR)(SM); no expiration date

Georgetown: APC-97/0494-OPERATION (Amendment 14)(MNSR)(NSPS)(SM);

no expiration date

Wilmington: APC-1987/0060-OPERATION (Amendment 7)(NSPS)(SM); no expiration date

Dover/Georgetown/Wilmington - Authorization to discharge under the NPDES general storm water permit program - expires March 16, 2014; administratively extended until a new permit is issued by the State of Delaware.

C. (Authority - 7 Del. C. § 7902(a)(3) & § 7905) Have any of the following been issued to or agreed to by the applicant/statement company, any employee, person, entity, or subsidiary/affiliated company, specified in response to Item A, for violation of any environmental statute, regulation, permit, license, approval, or order, regardless of the state in which it occurred, during the five years prior to the date of this application/statement

OFFENSE	YES	NO
Notice of Violation(s)	X	
Administrative Order(s)	X	
Administrative Penalty(ies)		X
Civil Action(s)		X
Civil Penalty(ies)		X
Civil and/or Administrative Settlement Agreement(s)		X
Permit/License/Approval Revocation		X
Arrest(s)		X
Conviction(s)		X
Criminal Penalty(ies)		X
Criminal Plea Bargain		X

D. (Authority - 7 Del. C. § 7902(a)(3), (a)(4) & § 7905) If you answered "yes" to any of the actions listed in Item C above for the applicant company or any other person identified in Item A, attach a description of the incidents or events leading to the issuance of each action, regardless of the state in which it occurred, for the 5 years prior to the date of the statement, and the disposition of each action, what state the action/offense occurred in, and any actions that have been taken to correct the violations that led to such enforcement action.

- ☐ N/A
☒ Information attached

E. (Authority - 7 Del. C. § 7902(a)(5) & § 7905) Attach a description of any felony or other criminal conviction for a crime involving harm to the environment or violation of environmental standards of any person or entity identified in Item A above that resulted in a fine greater than \$1,000 or a sentence longer than 7 days, regardless of whether such fine or sentence was suspended.

- ☒ N/A
☐ Description attached

F. (Authority - 7 Del. C. § 7902(a)(6) & § 7905) Attach copies of any and all settlements of environmental claims involving the applicant, associated with actions identified in response to Item D above, whether or not such settlements were based on agreements where the applicant did not admit liability for the action.

- ☒ N/A
☐ Information attached

Items for Filing Statuses 2 or 3 Only

G. (Authority - 7 Del. C. § 7902(a)(7) and § 7905) If the applicant/statement company has been found guilty, pled guilty or no contest, to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment attach a summary of the events involved and a copy of the disposition of the action (*See 7 Del. C. § 7902(c) for definitions of "serious physical injury" or "serious harm to the environment" before answering this question.*)

☒ N/A

☐ Yes – Information Attached.

H. (Authority - 7 Del. C. § 7902(a)(8)) – If the applicant/statement company has been designated a chronic violator under 7 Del. C. § 7904, a detailed written report from an independent inspector who has inspected the applicant's premises for the purpose of detecting potential safety and environmental hazards to employees and the surrounding community. The Secretary may waive the duty to submit a detailed written report upon a showing of good cause by the applicant. A showing by the applicant that the acts which caused it to be designated as a chronic violator did not jeopardize public health shall constitute "good cause" under this paragraph.

I. (Authority - 7 Del. C. § 7902(a)(7)) – If the applicant has been designated a chronic violation under § 7904 of this Title, **OR** has been found guilty or pled no contest to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment, a statement made under oath by the applicant's local chief operating officer with respect to the facilities covered by the permit, stating that: (a) disclosures made by the applicant/reporting company under federal and state environmental statutes and regulations during the preceding calendar year have been, to the chief operating officer's knowledge, complete and accurate, and (b) that the facility has implemented policies, programs, procedures, standards or systems reasonably designed, in light of the size, scope, and nature of facility operations to detect deter and promptly correct any noncompliance with state environmental statutes and regulations. The statement filed pursuant to this paragraph shall include an acknowledgement by the affiant that intentionally false statements submitted in compliance with this paragraph constitute criminal perjury as defined at 11 Del. C. §§1221-1222.

STATE OF DELAWARE – DEPT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
ENVIRONMENTAL PERMIT BACKGROUND STATEMENT
CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE PRECEEDING SUBMISSION, HAVE PROVIDED ALL OF THE INFORMATION REQUESTED, AND THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.


SIGNATURE – OFFICER OF APPLICANT / STATEMENT COMPANY

DATE: 10/26/2015

NAME: Mark Carroll

TITLE: Vice President / GM

COMPANY
NAME: Allan Myers DE, Inc.

ADDRESS: 638 Lancaster Avenue
Malvern, PA 19355

TELEPHONE: 610-222-3174

FAX NUMBER: _____

REGISTERED
AGENT NAME: _____

ADDRESS: _____

TELEPHONE: _____

FAX NUMBER: _____

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 26th DAY OF
October, 2015.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Roxanne L. Wax, Notary Public
East Whiteland Twp., Chester County
My Commission Expires May 13, 2017
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Roxanne L. Wax
NOTARY PUBLIC SIGNATURE (SEAL)

Roxanne L. Wax
PRINTED NAME OF NOTARY PUBLIC

Chester County, PA
STATE / COUNTY

MY COMMISSION EXPIRES ON: May 13, 2017

jmb:20-24.doc/Rev. 7/2006



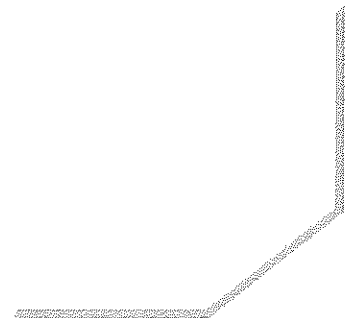
BACKGROUND STATEMENT SUPPLEMENT

Part D:

Allan Myers DE, Inc. has not received any Notices of Violation or Administrative Orders in the past five years. Allan Myers Materials MD, Inc., a mine operator in Elk Mills Maryland received a Notice of Violation concerning overburden stockpiles, sediment traps, and NPDES discharge points in a letter dated July 19, 2011. A \$2,500.00 fine was paid and the corrective measures were complete according to correspondence from the Maryland Department of the Environment dated October 12, 2011. Allan Myers, L.P., a hot mix asphalt plant operator in Harleysville Pennsylvania received a Notice of Violation in a letter dated August 9, 2012 for not maintaining a daily record of the temperature of effluent gases entering the dust collector. The Pennsylvania Department of Environmental Protection (PADEP) did not respond to our correspondence dated August 24, 2012 stating that Myers is now recording temperatures daily when the plant is in operation. Allan Myers, L.P. agreed to a Consent Order and Agreement for its Coatesville and Devault asphalt plants in correspondence dated February 11, 2014 for storing waste asphalt shingles for more than a year. All of the shingles were removed from the Devault plant by July 31, 2014. Please note that the beneficial use permit for shingles at Devault has been revoked per Allan Myers, L.P.'s request. Asphalt shingles stored at the Coatesville asphalt plant are being consumed or removed in accordance with the Consent Order and Agreement. PADEP did not issue a fine with the Consent Order and Agreement. Compass Quarries, Inc., a mine operator in Paradise, Pennsylvania was issued a Notice of Violation in a letter dated September 17, 2015 for installation and operation prior to plan approval of a portable crusher and conveyor. When the primary crusher at this facility broke, a portable crusher was brought in temporarily. Please note that the portable crusher left the site when the primary was repaired in October, 2015.

ATTACHMENT 2

SUPPORTING DOCUMENTATION



David Schnackenberg

From: David Schnackenberg
Sent: Tuesday, November 17, 2015 10:42 AM
To: 'Anthony, Mindy (DNREC)'
Subject: RE: BUD application - Allan Myers Wilmington

Hi Mindy,

The conceptual closure cost includes the costs you stated below, loading and transportation to a hot mix asphalt plant in North East Maryland. You are correct in stating that the North East plant will incorporate the shingles into their hot mix asphalt at no cost. The loading is estimated at \$4.00 per ton and transportation is estimated at \$13.00 ton, for a total of \$17.00 per ton. With a maximum inventory of 1,000 tons, the closure cost estimate is \$17,000.00. Please let me know if you need any additional information.

I need some time to find information regarding #1 and #3 of your e-mail. Once I have the information, I will forward it to you.

Dave

David Schnackenberg
Environmental Engineer
ALLAN MYERS

O: 610.222.3182
M: 610.587.2262
W: allanmyers.com

From: Anthony, Mindy (DNREC) [mailto:Mindy.Anthony@state.de.us]
Sent: Tuesday, November 17, 2015 10:06 AM
To: David Schnackenberg <David.Schnackenberg@allanmyers.com>
Subject: BUD application - Allan Myers Wilmington

Good morning Dave,

I received the BUD application for the Allan Myers Wilmington location. I need a little bit more information.

1. I need a copy of a zoning letter or a map that identifies the zoning for the Wilmington location. Or if the previous operator needed a conditional use approval from the county (it may not have), that would also be appropriate to submit.
2. The Conceptual closure plan needs to include where you came up with the \$17,000 closure cost estimate. As a reminder, it should include costs associated with loading, transportation and disposal/recycling of the maximum amount of waste (shingles) to be stored. Per the Allan Myers MD letter you supplied, the disposal/recycling of the shingles would be at no cost, so you just need to provide the loading and transportation costs.
3. Please submit a site map. I looked at the site on google maps and I'd like there to be a clear idea of what property lines/boundaries apply to the AM Wilmington site.

Also, I checked with the Divisions of Air and Water regarding the air permit and NPDES permit, respectively. Joe Koetas with the Div. of Air Quality was in receipt of the letter requesting a change to the permit, however Beau Croll with the Div. of Water had not received a letter requesting a change to the permit. You may want to touch base with Beau. His email is Beau.Croll@state.de.us or he can be reached by phone at (302) 739-9946.

Those are the missing pieces for now. Once the closure cost estimate gets approved, you can move forward with obtaining financial assurance.

If you have any questions, please don't hesitate to contact me.

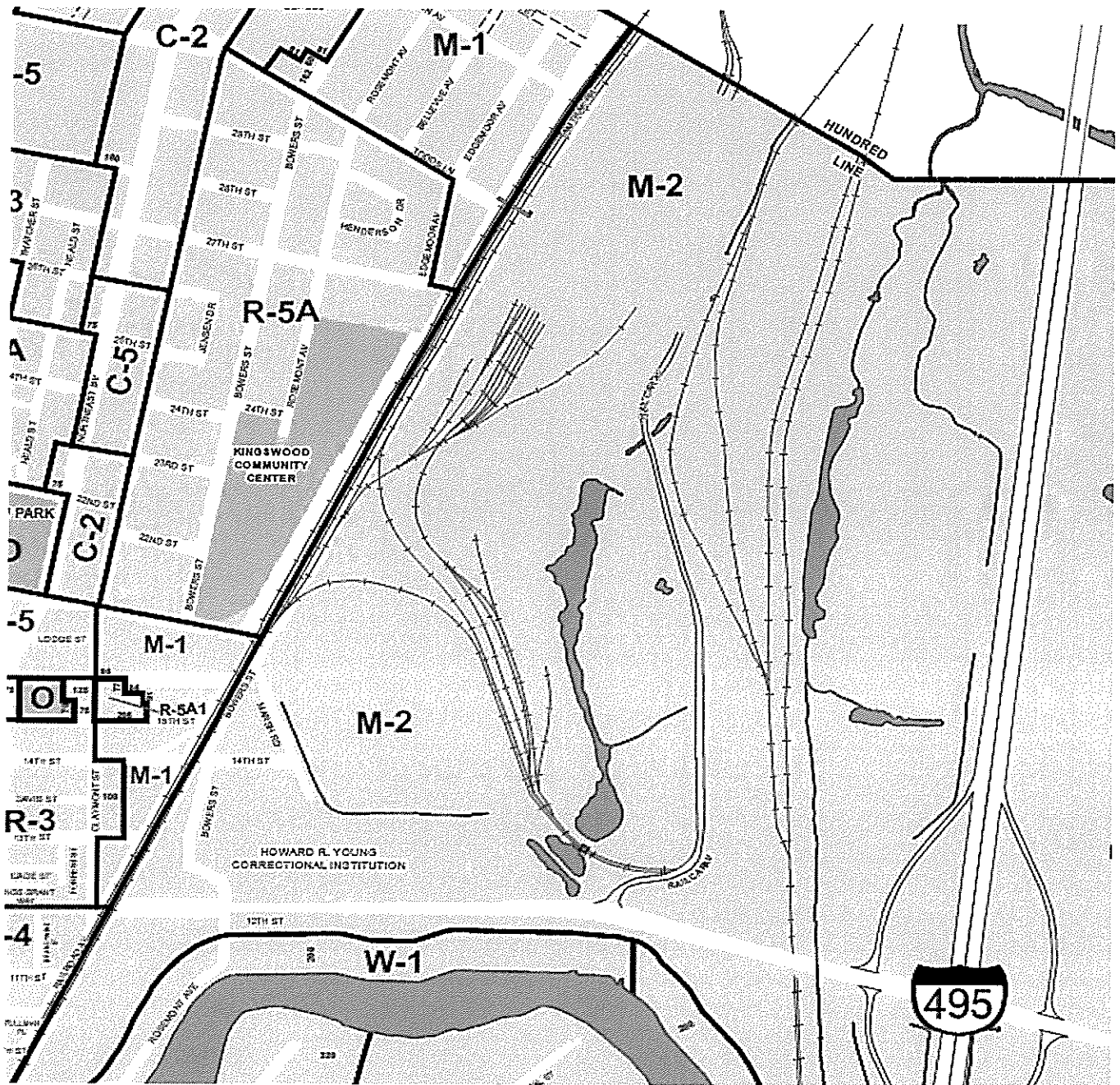
Thank you,
Mindy

Mindy Anthony
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COLONY
NORTH

MANUFACTURING & INDUSTRIAL

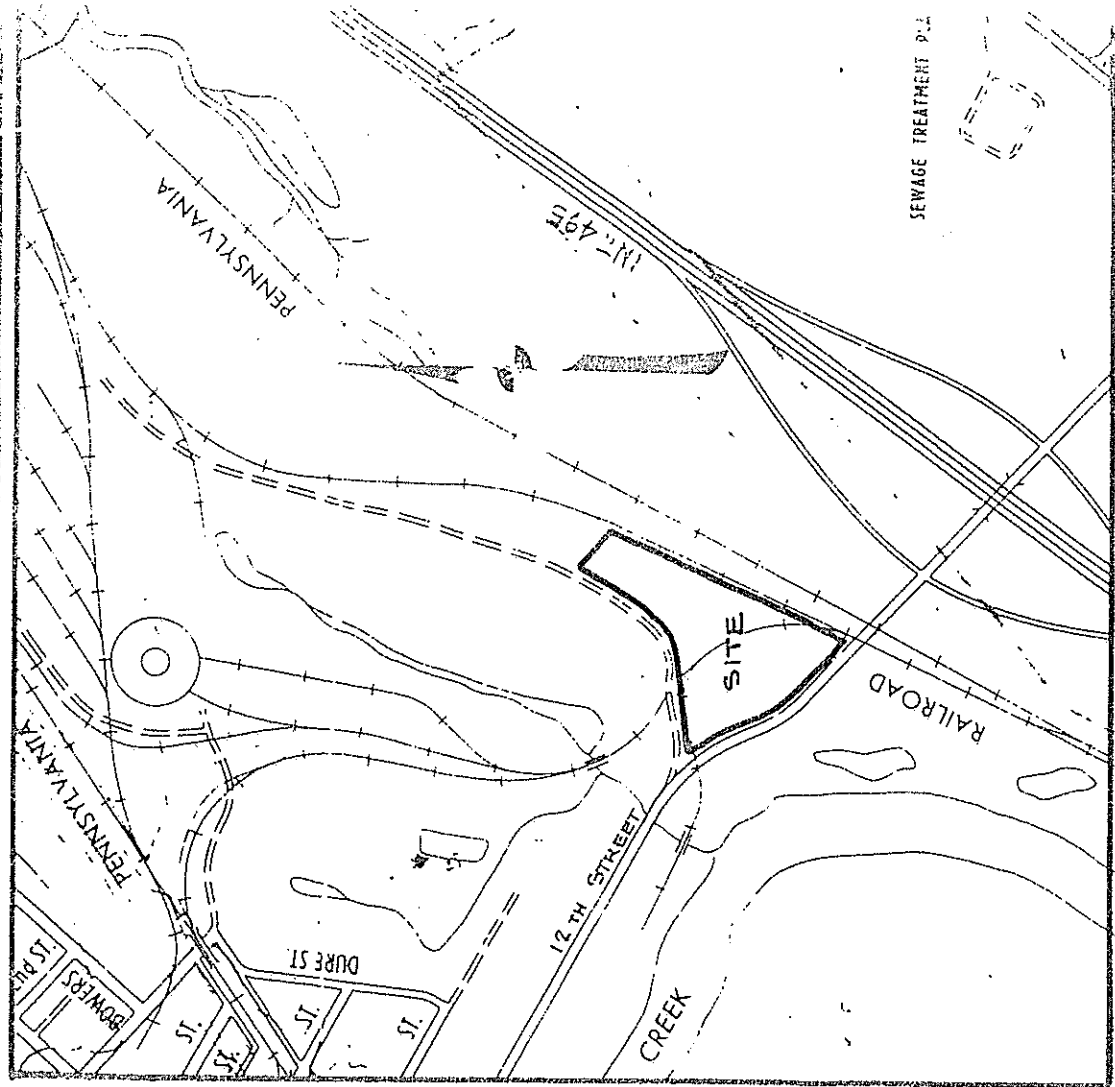
M-1 LIGHT MANUFACTURING
M-2 GENERAL INDUSTRIAL



ALLAN
MYERS

Zoning Map

Wilmington Asphalt Plant
New Castle County
1230 Railcar Avenue
Wilmington, DE 19802



LOCATION MAP

SCALE: 1" = 800'

NOTE:

ALL DIMENSIONS ARE GIVEN IN FEET UNLESS OTHERWISE NOTED

4+7

5

6

7

4" METAL CONDUIT (EXPOSED)

5

4+5

1+4

2

1+3

2+8

1+5

7+7